

AMENDED IN SENATE AUGUST 20, 2008

AMENDED IN SENATE AUGUST 13, 2008

AMENDED IN SENATE JULY 10, 2008

AMENDED IN SENATE JUNE 26, 2008

AMENDED IN ASSEMBLY MAY 27, 2008

AMENDED IN ASSEMBLY MAY 6, 2008

AMENDED IN ASSEMBLY APRIL 17, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2447**

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**Introduced by Assembly Member Jones**  
**(Principal coauthor: Assembly Member Nava)**  
**(Coauthor: Assembly Member Portantino)**

February 21, 2008

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An act to add Section 66474.02 to the Government Code, relating to subdivisions.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2447, as amended, Jones. Subdivision maps: denial of approval.

The Subdivision Map Act requires the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes certain findings.

This bill would require the legislative body of a county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, if the proposed map is in a state responsibility area or a very high fire hazard-sensitivity *severity* zone unless the legislative

body of the county makes specified findings ~~and obtains written verification from each fire protection agency that has jurisdiction over the project site that there is or will be sufficient structural fire protection for the lots created by the subdivision, as specified by substantial evidence.~~ The bill would authorize the State Board of Forestry and Fire Protection to adopt a regulation that provides for exceptions to the above requirement *a county to make an exception to the above requirement under specified conditions.* The bill would also authorize the Department of Forestry and Fire Protection to charge the subdivider a fee for the costs it incurs in completing the fire protection verification, and this revenue would be deposited into the Project Review Special Fund, which would be created by the bill, and upon appropriation by the Legislature, expended for completing the verifications.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 66474.02 is added to the Government  
2 Code, to read:  
3 66474.02. (a) A legislative body of a county shall deny  
4 approval of a tentative map, or a parcel map for which a tentative  
5 map was not required, if the proposed map is in a state  
6 responsibility area or a very high fire hazard severity zone, as both  
7 are defined in subdivision (b) of Section 51177.  
8 (b) Notwithstanding subdivision (a), a legislative body of a  
9 county may approve a tentative map, or a parcel map for which a  
10 tentative map was not required, if the legislative body of a county  
11 does all of the following:  
12 (1) Makes a finding supported by substantial evidence in the  
13 record that the design and location of each lot in the subdivision  
14 and the subdivision as a whole would allow improvements, such  
15 as roads, turnarounds, defensible space, and emergency water  
16 systems, to be made consistent with any regulations adopted by  
17 the State Board of Forestry and Fire Protection pursuant to Sections  
18 4290 and 4291 of the Public Resources Code, including, but not  
19 limited to, Subchapter 2 (commencing with Section 1270) of, and  
20 Subchapter 3 (commencing with Section 1280) of Chapter 7 of  
21 Division 1.5 of Title 14 of the California Code of Regulations, or  
22 with any regulations adopted by the county and certified by the

1 State Board of Forestry and Fire Protection pursuant to Section  
2 1270.03 of Title 14 of the California Code of Regulations.

3 ~~(2) Obtains written verification from each fire protection agency~~  
4 ~~that has jurisdiction over the project site that there is or will be~~  
5 ~~sufficient structural fire protection for the lots created by the~~  
6 ~~subdivision provided by either of the following:~~

7 ~~(A) A county, city, special district, or political subdivision of~~  
8 ~~the state.~~

9 ~~(B) The Department of Forestry and Fire Protection by contract~~  
10 ~~entered into pursuant to Section 4129, 4142, or 4144 of the Public~~  
11 ~~Resources Code.~~

12 ~~(C) The applicable fire protection agency's written verification~~  
13 ~~of its ability or inability to provide sufficient structural fire~~  
14 ~~protection for the proposed subdivision as required by paragraph~~  
15 ~~(2) shall be supported by substantial evidence and be based on,~~  
16 ~~but is not limited to, its determination as to the adequacy of its~~  
17 ~~equipment, personnel, and response time.~~

18 *(2) (A) Makes a finding based on substantial evidence in the*  
19 *record that sufficient structural fire protection and suppression*  
20 *services will be available for the subdivision through any of the*  
21 *following entities:*

22 *(i) A county, city, special district, or political subdivision of the*  
23 *state.*

24 *(ii) The Department of Forestry and Fire Protection by contract*  
25 *entered into pursuant to Section 4129, 4142, or 4144 of the Public*  
26 *Resources Code.*

27 *(B) A county shall notify each applicable fire protection agency*  
28 *and the department of any application for a subdivision and solicit*  
29 *their comments on the sufficiency of fire protection services for*  
30 *the proposed subdivision.*

31 *(3) (A) Makes a finding that there is adequate ingress and egress*  
32 *for the lots created by the subdivision, including a minimum of*  
33 *two access roads into and out of the subdivision for emergency*  
34 *equipment and evacuations.*

35 ~~(B) The State Board of Forestry and Fire Protection may adopt~~  
36 ~~a regulation pursuant to Section 4290 of the Public Resources Code~~  
37 ~~that provides for exceptions to subparagraph (A) based on factors~~  
38 ~~such as the number of parcels to be created, topography, and~~  
39 ~~land-ownership patterns. The regulation shall require that physical~~  
40 ~~or land-ownership constraints and a possible redesign of the~~

1 subdivision, including a reduction in the number of proposed lots  
2 or a reconfiguration of the roads and lots, be taken into  
3 consideration before an exception to subparagraph (A) is granted.  
4 The regulation shall not allow exceptions to subparagraph (A) to  
5 be granted for subdivisions that have more than 25 lots.

6 (B) (i) *Notwithstanding subparagraph (A), a county may*  
7 *approve a subdivision with a single access road if it makes a*  
8 *finding supported by substantial evidence in the record that it is*  
9 *not feasible to have a secondary access road due to topographic*  
10 *features or land ownership patterns and that redesign of the*  
11 *subdivision, including reduction in the number of proposed lots*  
12 *or reconfiguration of roads and lots in order to provide at least a*  
13 *secondary emergency access road is not possible. This exception*  
14 *may not be made for subdivisions that would create more than 30*  
15 *lots.*

16 (ii) *If the Board of Forestry and Fire Protection adopts a*  
17 *regulation that would allow specific exceptions to subparagraph*  
18 *(A), a county may allow an exception to subparagraph (A) only if*  
19 *it is found that the exception is in conformance with the board's*  
20 *adopted regulation.*

21 (c) (1) The Department of Forestry and Fire Protection may  
22 charge the subdivider a fee for each verification of sufficient fire  
23 protection completed by the department pursuant to subparagraph  
24 (B) of paragraph (2) of subdivision (b). The fee amount shall not  
25 exceed the department's costs incurred to complete the verification.

26 (2) The Department of Forestry and Fire Protection shall deposit  
27 all fee revenue collected pursuant to this subdivision in the Project  
28 Review Special Fund, which is hereby created in the State  
29 Treasury.

30 (3) The Department of Forestry and Fire Protection may expend  
31 the moneys deposited in the Project Review Special Fund, upon  
32 appropriation by the Legislature, to complete the verifications  
33 required by this section.